amo REPORT

REPORT SERIES 1989

89-7 REVIEW OF BILL 20 - AN ACT TO PROVIDE FOR THE PAYMENT OF DEVELOPMENT CHARGES

THE ASSOCIATION OF MUNICIPALITIES OF ONTARIO
AUGUST, 1989

90-01040/

ASSOCIATION OF MUNICIPALITIES OF ONTARIO

The Association of Municipalities of Ontario is a non-partisan voluntary organization united to promote the values of the municipal government system and the status of the municipal level of government as a vital and essential component of the total inter-governmental framework of Ontario and Canada.

The Association acts as the collective voice of Ontario's municipal governments and is organized to accomplish through cooperation and coordination, what the majority have neither the time nor the resources to do individually.

The Association represents some seven hundred municipal governments throughout Ontario. The governing body is composed of some eighty municipal elected and appointed officials, who in turn represent a wide range of municipal government interests.

The following Sections and affiliated municipal professional associations form an important part of the Association's structure and, therefore, play an important part in its activities in terms of the Board of Directors, program and policy development:

Association Sections

- County and Regional Section
- Large Urban Section
- Northern Ontario Section (FONOM/NOMA)
- Rural Section (ROMA)
- Small Urban Section (OSUM)

Association Affiliates:

- Association of Municipal Clerks and Treasurers of Ontario
- Association of Municipal Tax Collectors of Ontario
- Municipal Engineers Association
- Ontario Municipal Administrators Association
- Ontario Municipal Personnel Association
- Ontario Municipal Social Services Association
- Society of Directors of Municipal Recreation of Ontario
- Municipal Finance Officers' Association of Ontario

To the Municipal Clerk:

Please circulate this Report to the members of council and to the staff of your municipality. Additional copies are available at $10.00 each from the Publications Centre, Association of Municipalities of Ontario, 100 University Ave., Suite 805, Toronto, Ontario, M5J 1V6

TABLE OF CONTENTS

EXECUTIVE SUMMARY i

Definitions i
Development Charges i
Front End Payments ii
Education Development Charges ii
General iii

AMO REVIEW OF BILL 20 - AN ACT TO PROVIDE FOR THE PAYMENT OF DEVELOPMENT CHARGES

Introduction 1

BILL 20 2

Definitions 2

PART I 6

Development Charges 6

PART II 21

Front-End Payments 21

PART III 24

Education Development Charges 24

PART IV 33

General 33

TABLE OF RECOMMENDATIONS 36

ACKNOWLEDGEMENTS 43

The Association's review of Bill 20 - The Development Charges Act - was presented to the Provincial Legislature's Standing Committee on Finance and Economic Affairs on August 23, 1989.

AMO REVIEW OF BILL 20:
AN ACT TO PROVIDE FOR
THE PAYMENT OF DEVELOPMENT CHARGES

EXECUTIVE SUMMARY

AMO supports the initiative of the Provincial Government in preparing this much needed legislation. However, AMO has two principle areas of concern with the Bill. The current definition of capital cost does not include rolling stock and equipment and so it does not include all true municipal capital costs.

Education development charges were never the subject of discussion for the working group of AMO and development industry representatives. AMO is supportive of the determination of the Smith Commission and the Blair Commission that the municipal revenue base is an inappropriate funding base for the education system. Therefore education development charges should not form part of the Bill.

Regardless of AMO's objections to some of the principle components of the Bill the Association does have recommendations which would make the Bill more effective, efficient and fair legislation.

Definitions

The proposed definition of "capital cost" is very misleading since it states that vehicles and equipment are "similar items" to supplies and inventory. The draft definition has risk in that sewage treatment equipment may not be considered to be capital costs. AMO proposes an amended definition that is consistent with the definition of capital cost as used by the Provincial Government itself.

Other recommendations are made for a more precise definition of "front-end payment" and for an allowance for contingencies to be included in "net capital cost".

Development Charges

Part I of the Bill provides for the creation of municipal development charge by-laws and establishes procedures for notice, rights of hearing and appeal, dealing with complaints, by-law amendments, collection of charges and the creation of reserve funds, among other matters. The concluding section of Part I also provides for the creation of regulations governing municipal development charges.

The AMO review of Part I includes recommendations for the following amendments (among others):

- to clearly indicate that development charge by-laws need not be site specific but may be general.

- to allow public meetings to be held by a committee appointed by municipal councils rather than councils themselves.

- to give municipalities an opportunity to make representations to the Municipal Board when the Board is considering dismissal of an appeal without a hearing.

- to allow the Municipal Board to increase development charges.

- to allow development charge by-laws to take effect on a date set out in the by-law and to allow municipalities 30 days to pay refunds ordered by the Board.

- to eliminate the right to appeal complaints regarding development charge calculations to the Board and instead require municipalities to establish their own system for handling such complaints.

- to set the interest rate on overpayment refunds at no higher than 3% below prime rates and to provide that such refunds be paid to the current landowner.

- to eliminate from the Bill that section that allows the regulations to prescribe those services for which development charges shall not be imposed.

Front-End Payments

Part II of the Bill allows municipalities to enter into front ending agreements with any or all land owners in areas that will benefit from front end development. The sections of Part II provide for the contents and conditions of such agreements and establish procedures for notice, the hearing of objections, registration of agreements against land, collection of payments and the creation of special accounts for payments received.

The AMO review recommends amendments that will allow the use of letters of credit as security for front-end payments and that will clearly limit the liability of municipalities to collect front-end payments from subsequent developers, to being on a best efforts basis only and subject to a ten year time limit.

Education Development Charges

Part III establishes the authority for school boards to create education development charge by-laws, determines the contents of such by-laws, and creates procedures for notice, public meetings, appeals to the Municipal Board, by-law amendments,dealing with complaints,

collection of charges and the creation of accounts, among other matters. The concluding section of Part III also provides for the creation of regulations governing education development charges.

AMO recommends for the following amendments (among others):

- to clarify the meaning of "school facilities" so that the determination of what items are considered to be capital cost are clear and consistent with the proposed AMO definition of municipal capital cost.

- to eliminate the ability to charge education lot levies for commercial/industrial property.

- to allow school boards the opportunity to make representations to the Municipal Board when the Board is considering dismissal of an appeal without a hearing.

- to delete the procedure allowing for complaints with respect to the calculation of education development charges to be submitted to municipalities and appealed to the Municipal Board and instead to require school boards to establish their own procedure for hearing such complaints.

- to clearly establish that school boards are responsible for establishing and administering the education development charges account and to clearly designate the body responsible for collection of education development charges.

General

This Part deals with the effective date of the Bill and the status of municipal development charge by-laws during the interim period from the passing of the Bill to the termination of current development charges and the creation of new by-laws in compliance with the Bill, as well as restricting new subdivision agreements from including development charges, until new by-laws are passed.

AMO recommends amendments that will ensure that the Bill is applied to development charges that are collected pursuant to council resolutions without supporting by-laws, that will apply the termination provisions of the Bill to existing commercial development charges as well as residential development charges, that will allow for indexing adjustments for existing development charges during the interim period, that will allow for the creation of new development charges during the interim period, and that will require all new development charges to comply with the Bill after the expiry of the interim period.

AMO REVIEW OF BILL 20 - AN ACT TO PROVIDE FOR THE PAYMENT OF DEVELOPMENT CHARGES

Introduction

The Association of Municipalities of Ontario supports the initiative of the Government of Ontario in preparing this much needed legislation. AMO notes particularly the elimination of the special reduced levy rate for affordable housing as an improvement in the current legislation over proposals of the Green Paper.

AMO does however have two principle areas of concern that were expressed in the AMO response to the Green Paper that have not been reflected in the current bill. These concerns relate to the determination of which municipal costs are considered eligible under a development charge, and education development charges.

The current definition of capital cost excludes costs for rolling stock, furniture and equipment. If the principle behind municipal development charges is that new development should pay for municipal capital costs arising from that development, then that principle must include all capital costs. There is no apparent rationale for the exceptions.

Municipal development charges were the subject of intense discussion and negotiation among a working group of representatives from AMO and the development industry for more that two years. Throughout that period education levies were never the subject of their consideration. AMO is supportive of the determination of the Smith Commission of 1969 and the Blair Commission of 1978 that the municipal revenue base is an inappropriate funding base for the provincial education system.

Regardless of the difference of opinion between the municipal sector and the Government of Ontario on the above policy directions, the purpose of this paper however is to present a detailed review of the current Bill and to make recommendations toward making it clearer and more effective, efficient and fair legislation. The paper will not provide commentary on every clause of the Bill but only those for which amendments are recommended.

BILL 20

1. **DEFINITIONS**

DEFINITIONS

"CAPITAL COST" MEANS COSTS INCURRED OR PROPOSED TO BE INCURRED BY A MUNICIPALITY,

(A) TO ACQUIRE OR IMPROVE LAND,
(B) TO ACQUIRE, CONSTRUCT OR IMPROVE BUILDINGS, STRUCTURES OR FACILITIES, AND
(C) TO UNDERTAKE STUDIES IN CONNECTION WITH ANY OF THE MATTERS IN CLAUSE (A) OR (B),

REQUIRED FOR THE PROVISION OF SERVICES, INCLUDING INTEREST ON BORROWING FOR THAT PART OF EXPENDITURES MADE UNDER CLAUSE (A) OR (B) THAT IS GROWTH RELATED, BUT DOES NOT INCLUDE COSTS INCURRED OR PROPOSED TO BE INCURRED TO ACQUIRE VEHICLES, FURNITURE, OFFICE EQUIPMENT, SUPPLIES, INVENTORY OR SIMILAR ITEMS;

Capital costs incurred by a municipality that relate to development are often incurred indirectly through a municipal board, agency or commission for example a library board. For the sake of certainty this section should be amended to clearly indicate that these costs are included in the definition of capital costs.

The definition excludes "vehicles, furniture, office equipment, supplies, inventory or similar items". It is submitted that not only are vehicles, furniture and office equipment actual capital costs and therefore they should be included in the definition, but including these capital costs with "supplies, inventory or similar items" is misleading and can only lead to confusion. Supplies and inventory are clearly operating costs and are not at all similar to vehicles, furniture and office equipment.

The definition also makes no mention of substantial capital cost items like sewage treatment plant equipment and fixtures for buildings. Since the definition implies that vehicles, furniture and office equipment are similar to supplies and inventory for the purpose of determining what is a capital cost, there is a clear risk that items such as sewage treatment plant equipment and fixtures will be considered similar to this list of items and therefore excluded from the definition of capital cost.

The following is the definition for capital by the Management Board of the Provincial Cabinet:

> Capital: refers to expenditures invested in the physical assets of the Province and includes activities which: extend the life of existing assets beyond original expectations, increase the capacity of existing assets, increase the efficiency of existing assets, result in the acquisition or construction of new assets. "Physical asset" is defined as a tangible asset with form and substance and direct utility.

Local Government Finance in Ontario, which is an annual report prepared by the Ministry of Municipal Affairs, uses the following definition of capital expenditure.

> "Capital expenditures consist of any significant expenditures incurred to acquire or improve land, buildings, engineering structures, and to purchase machinery and equipment. Normally, an expenditure conveys a benefit lasting more than one year and results in the acquisition or extension of the life of a fixed asset."

The 1989 Ontario budget makes the following statement (p.79) "Municipalities may levy for the capital costs of both "hard" services such as roads and "soft" services such as recreational facilities. Municipalities may not levy for their contributions to hospital capital funds." The definition of capital cost in Bill 20 is silent as to the authority for municipalities to levy for contributions for hospital capital funds. The definition should be amended to give a clear expression of permissive municipal authority in this regard.

RECOMMENDATION #1

That the definition of capital cost be deleted and replaced with the following definition.

"capital cost" means cost incurred or proposed to be incurred by a municipality,

(a) to acquire, construct or improve land, buildings, fixtures, engineering structures, machinery and equipment; and

(b) to undertake studies in connection with any of the matters in clause (a),

required for the provision of services, including interest on borrowing for that part of expenditures made under clause (a) that is growth-related, but does not include costs incurred or proposed to be incurred to acquire, supplies, inventory or similar items:

(c) but may include municipal contributions to hospital capital funds.

1. DEFINITIONS

DEFINITIONS

"FRONT-END PAYMENT" MEANS A PAYMENT MADE BY AN OWNER, THAT MAY BE IN ADDITION TO A DEVELOPMENT CHARGE THAT SUCH OWNER IS REQUIRED TO PAY UNDER A DEVELOPMENT CHARGE BY-LAW, IN AN AMOUNT AGREED UPON BY THE OWNER AND MUNICIPALITY, TO COVER THE NET CAPITAL COST OF ANY OR ALL OF THE FRONT-END SERVICES REQUIRED TO ENABLE THE LAND TO BE DEVELOPED BY THE OWNER;

"NET CAPITAL COST" MEANS THE CAPITAL COST LESS CAPITAL GRANTS, SUBSIDIES OR OTHER CONTRIBUTIONS MADE TO THE MUNICIPALITY OR THAT THE COUNCIL OF THE MUNICIPALITY ANTICIPATES WILL BE MADE, IN RESPECT OF THE CAPITAL COST;

This is a confusing definition. It appears to intend to differentiate a payment made pursuant to a front-ending agreement from a development charge payment, but it does not clearly do so. Development charges are intended to cover the capital cost of those services listed in the definition of front-end services which are required to enable the land to be developed by the owner, but this seems to be what the front-end payment definition includes. The definition also seems to limit such payments to those made between the parties to the front-ending agreement only. Section 25(a) indicates that payments can be made by owners who were not parties to the front-ending agreement. If the determination of what is a front-ending agreement is clear it should be sufficient for the definition of front-end payment to simply refer to a payment made pursuant to such agreement.

RECOMMENDATION #2

That the definition of "front-end payment" be amended to read as follows; "front-end payment" means a payment made by an owner pursuant to a front-ending agreement and may be in addition to a development charge that such owner is required to pay pursuant to a development charge by-law.

Municipalities can experience real difficulties in accurately anticipating capital grants that they will receive since the decision to make those grants often lies with another body. A clear example of this was the Provincial Government's freezing of the municipal unconditional grants for 1989. Municipalities were taken by surprise at this turn of events since they had been planning on at least an inflationary increase. Because grants can be unpredictable it is only prudent for municipalities to make an allowance for contingencies in their budgets. Since a shortfall in anticipated grants may have to be made up for via the development charge, an allowance for contingencies therefore should be included in the net capital cost definition.

RECOMMENDATION #3

That the definition of "net capital cost" be amended by adding the words "including an allowance for contingencies" after the words "capital cost" in the first line of the definition. The definition will then read as follows: "net capital cost" means the capital cost, including an allowance for contingencies...

PART I

DEVELOPMENT CHARGES

1. SECTION 3 – BY-LAWS RESPECTING DEVELOPMENT CHARGES

BY-LAWS RESPECTING DEVELOPMENT CHARGES

THE COUNCIL OF A MUNICIPALITY MAY PASS BY-LAWS FOR THE IMPOSITION OF DEVELOPMENT CHARGES AGAINST LAND IF THE DEVELOPMENT OF THE LAND WOULD INCREASE THE NEED FOR SERVICES IN RESPECT OF THAT LAND AND THE DEVELOPMENT REQUIRES,

1983, c.1

(A) THE APPROVAL OF A ZONING BY-LAW OR OF AN AMENDMENT THERETO UNDER SECTION 34 OF THE PLANNING ACT, 1983;

(B) THE APPROVAL OF A MINOR VARIANCE UNDER SECTION 144 OF THE PLANNING ACT, 1983

(C) THE APPROVAL OF A PLAN OF SUBDIVISION UNDER SECTION 50 OF THE PLANNING ACT, 1983;

(D) A CONSENT UNDER SECTION 52 OF THE PLANNING ACT, 1983;

R.S.O. 1980, c.84

(E) THE APPROVAL OF A DESCRIPTION UNDER SECTION 50 OF THE CONDOMINIUM ACT; OR

R.S.O. 1980, c.51

(F) THE APPROVAL OF AN APPLICATION UNDER THE BUILDING CODE ACT TO PERMIT THE ERECTION OF A BUILDING OR STRUCTURE.

On December 19, 1985, in response to the petition to Cabinet on the OMB decision regarding Mod-Aire v. Bradford, 1984 Cabinet issued the following guidelines.

"a) It is within the power of a municipality to establish uniform lot levies, provided that there is a reasonable relationship between the proposed levies and the overall costs to the municipality attributable to growth with respect to the services covered by the levies; and

b) There need not be a direct relationship between the additional cost incurred by the municipality and the utilization of any given service that is the subject of the levy. A lot levy may be a combination of a uniform levy for average costed services and any additional amounts for other services financed as directly attributable to the subdivision proposed to be charged."

AMO supports the permissive use of average costed services in calculation of development charges. However section 3 is unclear as to whether such averaging is to be allowed or not.

The introductory clause to section 3(1) is open to the interpretation that development charge by-laws must be site specific because of the use of the words "**the** land" in the third line and "in respect of **that** land" in the fourth line. AMO believes the intention of the Bill is to allow municipalities to create a general development charge by-law if they wish so that a new by-law will not be necessary for each development.

Paragraphs (a) through (f) of subsection 3(1) indicate what type of developments could be subject to a development charge by-law. This list should be extended by adding the lifting of part lot control, Niagara Escarpment Commission Applications and Parkway Belt Applications.

RECOMMENDATION #4

(a) That the introductory clause to subsection 3 (1) be amended to clearly indicate that development charge by-laws need not be site specific but may be general.

(b) That subsection 3 (1) be further amended by adding the following paragraphs:

(g) lifting of part lot control under section 49 of the Planning Act, 1983; or

(h) Niagara Escarpment Commission Application (Niagara Escarpment Planning and Development Act, R.S.O. 1980 c.316 ss. 24, 25, 26).

(i) Parkway Belt application (Parkway Belt Planning and Development Act. R.S.O. 1980 c. 368)

3. EXCEPTIONS

EXCEPTIONS

(2) SUBSECTION (1) DOES NOT APPLY IN RESPECT OF AN APPROVAL MENTIONED IN CLAUSES (1) (A) TO (F) THAT WOULD HAVE THE EFFECT ONLY,

(B) OF CREATING ONE OR TWO ADDITIONAL DWELLING UNITS AS PRESCRIBED, IN PRESCRIBED CATEGORIES OF EXISTING RESIDENTIAL BUILDINGS.

The principle is that new development should pay for municipal capital costs arising from that development; residential intensification should not be exempted.

RECOMMENDATION #5

That clause 3(2)(b) be deleted.

4. PUBLIC MEETING

PUBLIC MEETING (1) BEFORE PASSING A DEVELOPMENT CHARGE BY-LAW EXCEPT A BY-LAW PASSED PURSUANT TO AN ORDER OF THE MUNICIPAL BOARD MADE UNDER CLAUSE (11)(B), THE COUNCIL,

A) SHALL HOLD AT LEAST ONE PUBLIC MEETING;

Some municipal councils may find it appropriate to appoint a committee to make a report and recommendations on proposals for a development charge by-law. In this case the committee may need the input available from a public meeting before making its recommendations. Subsection 4(1) implies that the council shall hold a public meeting and does not explicitly allow for a committee appointed by council to hold that meeting.

RECOMMENDATION #6

That subsection 4(1) be amended by adding the words "or a committee appointed by council" after the word council in the third line. The opening clause should read as follows, "Before passing a development charge by-law, except a by-law passed pursuant to an order of the Municipal Board made under clause 11(b), the council, or a committee appointed by the council,"

4. PUBLIC MEETING

EARLY DISMISSAL OF APPEAL

(10) THE MUNICIPAL BOARD MAY, WHERE IT IS OF THE OPINION THAT THE OBJECTION TO THE BY-LAW SET OUT IN THE NOTICE OF APPEAL IS INSUFFICIENT, DISMISS THE APPEAL WITHOUT HOLDING A FULL HEARING BUT BEFORE DISMISSING THE APPEAL SHALL NOTIFY THE APPELLANT AND GIVE THE APPELLANT THE OPPORTUNITY TO MAKE REPRESENTATIONS AS TO THE MERITS OF THE APPEAL.

Subsection 4(4) allows for appeals of development charge by-laws to the Municipal Board. Subsection 4(10) allows the Board to dismiss the appeal without a full hearing. The appellant is given notice and allowed to make representations as to the merits of the appeal. The reason for this obviously is to give the appellant the opportunity to convince the Board to change its decision and hold a full hearing. AMO is very concerned about the lack of procedural fairness in giving notice and an opportunity to make representations only to the appellant and not to the municipality. The holding of a full hearing is an important and expensive matter for all parties concerned and so the decision to hold a hearing or not is also of real importance. Since municipalities will necessarily be respondents to any appeal hearing they should be given equal procedural rights of notice and opportunity to make representations.

RECOMMENDATION #7

That subsection 4(10) be amended to require notice to be given to the municipality and to give municipalities the opportunity to make representations before the Board. The subsection should read as follows: "(10) The Municipal Board may, where it is of the opinion that the objection to the by-law set out in the notice of appeal is insufficient, dismiss the appeal without holding a full hearing but before dismissing the appeal shall notify the appellant and the municipality and give the appellant and the municipality an opportunity to make representations as to the merits of the appeal". [emphasis added]

4. PUBLIC MEETING

RESTRICTIONS ON AMENDMENTS

(12) DESPITE SUBSECTION (11) , THE MUNICIPAL BOARD MAY NOT ORDER THE AMENDMENT OF A BY-LAW SO AS TO,

(A) INCREASE A DEVELOPMENT CHARGE IMPOSED BY THE BY-LAW;

Since facts may change between the passing of a by-law by council and the rendering of a decision by the Municipal Board, it may be the Board's judgment that the development charge should be increased. There is a precedent for such a decision by the Board (See the OMB decision of April 28, 1989, Mod-Aire Homes vs. Town of Bradford). The Board will have all of the relevant facts and will be able to make a just decision if the facts support the need for an increase in the charge. Further, the lack of authority for the Board to increase development charges puts appellants in a no risk situation and in effect provides an inducement for objections to be appealed to the Board.

By not giving the Board this authority the Bill will force municipalities to make use of section 7, which allows municipalities to amend development charge by-laws. The procedure under section 7 however will involve substantial delay and may result in the matter of the increase coming back before the Board in the form of an amendment to the by-law, in which case the Board will be asked to make the same decision it could have made in the first place if it had the power to order the amendment of a by-law so as to increase a development charge imposed by the by-law.

RECOMMENDATION #8

a) That paragraph 4 (12) (a) be deleted.

b) That section 4 be further amended to clearly indicate that the Municipal Board is permitted to award costs of hearings against the appellant if the by-law is upheld by the Board.

5. **WHEN BY-LAW EFFECTIVE**

WHEN BY-LAW EFFECTIVE (1) A DEVELOPMENT CHARGE BY-LAW COMES INTO FORCE ON THE DAY IT IS PASSED.

REFUND (3) IF A BY-LAW IS REPEALED IN WHOLE OR IN PART UNDER SUBSECTION 4(11), THE MUNICIPALITY SHALL IMMEDIATELY REFUND ALL DEVELOPMENT CHARGES PAID UNDER THAT PART OF THE BY-LAW THAT IS REPEALED.

REFUNDS (5) IF A BY-LAW IS AMENDED IN WHOLE OR IN PART UNDER SUBSECTION 4(11), THE MUNICIPALITY SHALL IMMEDIATELY REFUND THE DIFFERENCE BETWEEN THE DEVELOPMENT CHARGE PAID UNDER THAT PART OF THE BY-LAW THAT IS AMENDED AND THE DEVELOPMENT CHARGE REQUIRED TO BE PAID UNDER THE AMENDMENT.

NOTICE OF BY-LAW (7) A MUNICIPALITY SHALL GIVE NOTICE OF THE PARTICULARS OF A DEVELOPMENT CHARGE BY-LAW THAT IS IN FORCE IN THE MANNER AND TO THE PERSONS PRESCRIBED.

Municipalities may find it most convenient and effective for a development charge by-law to come into force on a day other than the day it was passed. Subsection 5(1) should be amended to allow the by-law to specify the date it comes into force. If a person or organization has an objection to the date on which a by-law takes effect the issue can be discussed at the Municipal Board.

Subsections 5(3) and (5) require municipalities to pay refunds of payments made under a by-law immediately when the Municipal Board has ordered a repeal or amendment of a by-law. For practical considerations immediate payments are unrealistic. Thirty days is a more appropriate time period by which refunds should be paid.

Subsection 5(7) requires a municipality to give notice of a development charge by-law that is in force in the manner and to the persons prescribed by the regulations. It is impossible to make complete recommendations without reviewing the regulations. However, the subsection should clearly indicate that this subsection only applies to development charge by-laws that have been amended by the Municipal Board since subsection 4(3) already requires municipalities to give notice of development charge by-laws not later than fifteen days after the by-law was passed.

RECOMMENDATION #9

(a) That subsection 5 (1) be amended to allow development charge by-laws to come into force on a date set out in the by-law. The subsection should read as follows, "A development charge by-law comes into force on the day it was passed unless otherwise specified in the by-law." [emphasis added]

(b) That subsections 5(3) and (5) be amended to require municipalities to pay refunds within thirty days of Municipal Board orders repealing or amending development charge by-laws.

(c) That section 5 be amended to indicate that where the Board has increased a development charge by-law, municipalities shall be entitled to collect relevant back payments from the owners.

(cont.)

RECOMMENDATION #9 ***(cont.)***

(d) That subsection 5(7) be amended to indicate that it applies only to orders made by the Municipal Board pursuant to subsection 4 (11). The subsection should read as follows, "A municipality shall give notice of the particulars of a development charge by-law that is in force pursuant to an order of the Municipal Board under subsection 4(11) in the manner and to the persons prescribed. [emphasis added]

8. COMPLAINTS

COMPLAINTS

(1) AN OWNER MAY COMPLAIN IN WRITING TO THE COUNCIL OF THE MUNICIPALITY THAT,

(A) THE CALCULATION OF THE DEVELOPMENT CHARGE IMPOSED WAS BASED ON AN INCORRECT NUMBER OF UNITS;

(B) THE AMOUNT CREDITED TO AN OWNER UNDER SECTION 13 IS INCORRECT;

(C) THE AMOUNT OF A PREVIOUS DEVELOPMENT CHARGE BEING CREDITED UNDER SECTION 14 IS INCORRECT; OR

(D) THERE WAS AN ERROR IN THE APPLICATION OF THE DEVELOPMENT CHARGE BY-LAW.

IDEM

(2) THE COMPLAINT SHALL STATE THE NAME AND ADDRESS WHERE NOTICES CAN BE GIVEN TO THE COMPLAINANT AND SHALL STATE THE REASONS FOR THE COMPLAINT.

HEARING

(3) COUNCIL SHALL GIVE THE COMPLAINANT THE OPPORTUNITY TO MAKE REPRESENTATIONS AND NOTICE OF THE HEARING SHALL BE MAILED TO THE COMPLAINANT BY THE CLERK NOT LESS THAN FOURTEEN DAYS BEFORE THE DATE THE COMPLAINT IS TO BE CONSIDERED.

Determination by Council

(4) After hearing the evidence and submissions of the complainant, council, may,

(a) confirm the development charge; or

(b) amend the development charge to the extent that, in the opinion of council, a review of any or all of the matters in subsection (1) justifies such an amendment.

Notice of decision

(5) The clerk of the municipality shall, not later than fifteen days after the day a decision is made by council, give written notice of the decision by mail to the complainant, and the notice shall specify the last day for filing an appeal, which date shall be no earlier than twenty days after the date the letter is mailed.

Appeal

(6) The complainant may appeal the decision of council to the Municipal Board by filing with the clerk of the municipality a notice of appeal setting out the reasons for the appeal.

Record

(7) The clerk of the municipality who receives a notice of appeal under subsection (6) shall compile a record which shall include,

(a) a copy of the development charge by-law certified by the clerk;

(b) an affidavit or declaration certifying that the requirements for the giving of notice have been complied with; and

(c) the original or a true copy of all written submissions and material in support of the complaint.

Notice and record to O.M.B.

(8) The clerk shall forward the notice of appeal and the record to the secretary of the Municipal Board within thirty days of the last day of appeal and shall provide such other information and material that the Board may require in respect of the appeal.

Parties

(9) The parties to the appeal are the complainant and the municipality.

NOTICE OF HEARING (10) THE MUNICIPAL BOARD SHALL HOLD A HEARING OF WHICH NOTICE SHALL BE GIVEN TO THE PARTIES TO THE APPEAL.

EARLY DISMISSAL (11) DESPITE SUBSECTION (10), THE MUNICIPAL BOARD MAY, WHERE IT IS OF THE OPINION THAT THE COMPLAINT SET OUT IN THE NOTICE OF APPEAL IS INSUFFICIENT, DISMISS THE APPEAL WITHOUT HOLDING A FULL HEARING BUT BEFORE DISMISSING THE APPEAL SHALL NOTIFY THE APPELLANT AND GIVE THE APPELLANT AN OPPORTUNITY TO MAKE REPRESENTATIONS AS TO THE MERITS OF THE APPEAL.

DECISION BY O.M.B. (12) THE MUNICIPAL BOARD MAY MAKE ANY DECISION THAT COULD HAVE BEEN MADE BY THE COUNCIL OF THE MUNICIPALITY.

REFUND (13) IF THE DEVELOPMENT CHARGE IS AMENDED BY THE COUNCIL OR BY THE MUNICIPAL BOARD, THE MUNICIPALITY SHALL IMMEDIATELY REFUND THE DIFFERENCE BETWEEN THE DEVELOPMENT CHARGE PAID THAT WAS IN DISPUTE AND THE AMOUNT OF THE CHARGE REQUIRED BY COUNCIL OR THE MUNICIPAL BOARD TO BE PAID.

Section 8 of the Bill establishes procedures for dealing with complaints that calculations of payments and/or credits were made incorrectly and that there was an error in the application of the development charge by-law. The section provides detailed requirements for municipal procedures to here complaints as well as a provision for appeal to the Municipal Board.

The Association submits that for matters of mere calculation errors the procedural requirements of a formal council hearing are unnecessary. The section should simply require municipalities to provide the opportunity for representations respecting complaints with respect to calculation errors. Since section 4 provides ample opportunity to appeal development charge by-laws to the Municipal Board, there is no need for section 8 to provide interminable opportunities to appeal calculation errors to the Board.

RECOMMENDATION #10

a) That subsection 8(3) be amended by deleting the word "hearing" and substituting the words "opportunity to make representations." and deleting the word "hearing" from the sidenote.

b) That subsection 8(4) be amended by deleting the words "evidence and submissions" and substituting the word "representations."

9. CHARGE TO BE PAID BEFORE BUILDING PERMIT ISSUED

CHARGE TO BE PAID BEFORE BUILDING PERMIT ISSUED

(1) DESPITE ANY OTHER ACT, A BUILDING PERMIT SHALL NOT BE ISSUED IN RESPECT OF THE ERECTION OF A BUILDING OR STRUCTURE ON LAND TO WHICH A DEVELOPMENT CHARGE BY-LAW APPLIES UNLESS THE DEVELOPMENT CHARGE HAS BEEN PAID.

EXCEPTION

(2) DESPITE SUBSECTION (1), A MUNICIPALITY MAY, IN A DEVELOPMENT CHARGE BY-LAW, PROVIDE THAT A DEVELOPMENT CHARGE WITH RESPECT TO WATER SUPPLY SERVICES, SANITARY SEWER SERVICES, STORM SEWER SERVICES AND ROAD SERVICES SHALL BE PAYABLE, WITH RESPECT TO AN APPROVAL OF A PLAN OF SUBDIVISION UNDER SECTION 50 OF THE *PLANNING ACT, 1983*, IMMEDIATELY UPON ENTERING INTO THE SUBDIVISION AGREEMENT.

EXCEPTIONS IN AGREEMENTS

(3) DESPITE SUBSECTIONS (1) AND (2), A MUNICIPALITY MAY ENTER INTO AN AGREEMENT WITH AN OWNER PROVIDING FOR THE PAYMENT OF ALL OR ANY PORTION OF THE DEVELOPMENT CHARGE ON DATES LATER THAN THE ISSUING OF A BUILDING PERMIT OR THE ENTERING INTO OF A SUBDIVISION AGREEMENT.

SERVICES IN LIEU OF PAYMENT

(4) DESPITE SUBSECTIONS (1) AND (2), A MUNICIPALITY MAY BY AGREEMENT PERMIT AN OWNER TO PROVIDE SERVICES IN LIEU OF THE PAYMENT OF ALL OR ANY PORTION OF A DEVELOPMENT CHARGE.

INTEREST (5) A MUNICIPALITY THAT HAS ENTERED AN AGREEMENT UNDER SUBSECTION (3) MAY CHARGE INTEREST, AT A RATE STIPULATED IN THE AGREEMENT, ON THAT PART OF THE DEVELOPMENT CHARGE NOT PAID IN ACCORDANCE WITH SUBSECTION (1).

12. COLLECTION

COLLECTION (1) IF THE DEVELOPMENT CHARGE OR ANY PART THEREOF IMPOSED BY A MUNICIPALITY, OTHER THAN AN UPPER TIER MUNICIPALITY, REMAINS UNPAID AFTER THE DUE DATE, THE AMOUNT UNPAID SHALL BE ADDED TO THE TAX ROLL AND SHALL BE COLLECTED AS TAXES.

IDEM (2) IF THE DEVELOPMENT CHARGE OR ANY PART THEREOF IMPOSED BY AN UPPER TIER MUNICIPALITY REMAINS UNPAID AFTER THE DUE DATE, THE TREASURER OF THE UPPER TIER MUNICIPALITY SHALL CERTIFY TO THE TREASURER OF THE AREA MUNICIPALITY IN WHICH THE LAND IS LOCATED THAT THE AMOUNT IS UNPAID AND THE AMOUNT UNPAID SHALL BE ADDED TO THE TAX ROLL OF THE AREA MUNICIPALITY AND SHALL BE COLLECTED AS TAXES.

AMO is concerned that if development charges are not collected prior to the issuance of a building permit, then purchasers of property may be subject to development charges about which they had no information prior to purchasing the property.

RECOMMENDATION #11

a) That subsections 9(3) and (5) be deleted.

b) That section 12 be deleted.

13. CREDIT FOR SERVICES

CREDIT FOR SERVICES (1) A MUNICIPALITY THAT PERMITS THE PROVISION OF SERVICE IN LIEU OF THE PAYMENT OF ALL OR ANY PORTION OF A DEVELOPMENT CHARGE SHALL GIVE A CREDIT FOR AN AMOUNT EQUAL TO THE REASONABLE COST TO THE OWNER OF PROVIDING THE SERVICES.

IDEM (2) IF A MUNICIPALITY AND OWNER ENTER AN AGREEMENT THAT PERMITS AN OWNER TO PROVIDE SERVICES ADDITIONAL TO OR OF A GREATER SIZE OR CAPACITY THAN IS REQUIRED UNDER A DEVELOPMENT CHARGE BY-LAW, THE MUNICIPALITY MAY AGREE TO GIVE A CREDIT FOR AN AMOUNT UP TO THE REASONABLE COST TO THE OWNER OF PROVIDING THE SERVICES.

IDEM (3) A CREDIT GIVEN UNDER SUBSECTION (2) SHALL NOT BE CHARGED TO A RESERVE FUND ESTABLISHED UNDER SECTION 16.

Since credits given under S.13(2) are for services for which the reserve fund was created then they should be charged to that fund.

RECOMMENDATION #12

That subsection 13 (3) be deleted.

16. RESERVE FUND

RESERVE FUND (1) PAYMENTS RECEIVED BY A MUNICIPALITY UNDER THIS PART SHALL BE MAINTAINED IN A SEPARATE RESERVE FUND OR FUNDS AND SHALL BE USED ONLY TO MEET THE GROWTH-RELATED NET CAPITAL COSTS OF THOSE SERVICES FOR WHICH THE DEVELOPMENT CHARGE WAS IMPOSED.

The wording of this subsection is open to the interpretation that development charges and reserve funds must be site specific. If development charge by-laws need not be specific and may be general as per recommendation #4 above, then subsection 16(1) should be amended.

RECOMMENDATION #13

That subsection 16(1) be amended to read as follows:

16.(1) Payments received by a municipality under this Part shall be maintained in a separate reserve fund or funds and shall be used only to meet growth related net capital costs.

17. STATEMENT OF TREASURER

STATEMENT OF TREASURER — THE TREASURER OF THE MUNICIPALITY SHALL, IN EACH YEAR, ON OR BEFORE SUCH DATE AS COUNCIL MAY DIRECT, FURNISH TO THE COUNCIL A STATEMENT IN RESPECT OF EACH RESERVE FUND ESTABLISHED UNDER SECTION 15 CONTAINING THE INFORMATION PRESCRIBED.

Section 17 refers to reserve funds established under section 16 of the Bill but section 17 contains a typographical error in citing the section referred to as 15.

RECOMMENDATION #14

That section 17 be amending by substituting the number 16 for the number 15 in the last line of that section.

18. INTEREST

INTEREST — (1) A MUNICIPALITY SHALL PAY INTEREST TO PERSONS TO WHOM OVERPAYMENTS ARE REFUNDED UNDER SUBSECTION 5(3), 5(5) OR 8(13) CALCULATED IN THE MANNER PRESCRIBED.

IDEM — (2) INTEREST SHALL BE CALCULATED FROM THE TIME THAT THE OVER-PAYMENT WAS COLLECTED TO THE TIME THAT THE REFUND IS PAID.

IDEM — (3) THE REFUND SHALL INCLUDE THE INTEREST OWED.

The calculation of interest will be prescribed in the regulations. The regulations should set out a realistic interest calculation and it is recommended that this be no higher than 3% below actual prime rates for relevant time periods.

For developers the payment of development charges is a cost which will be passed through to the end purchaser, often the homeowner. By the time of the determination of a refund the developer, if they had sold the land, would already have recovered the development charge from the purchaser and so should not be allowed a windfall through being paid a refund as well. Refunds should only be paid back to the current owner of the land which may be the subsequent developer or the homeowner, since they ultimately paid the development charge.

RECOMMENDATION #15

(a) That the regulations prescribe that the interest on overpayment refunds shall be calculated as 3% below the prime rates for the time from when the overpayment was collected to the time that the refund is paid.

(b) That section 18 be amended to clearly indicate that overpayment refunds shall be paid to the current owner of the land, which may be the homeowner, at the time the order of the Municipal Board is made.

19. REGULATIONS

REGULATIONS (19) THE LIEUTENANT GOVERNOR IN COUNCIL MAY MAKE REGULATIONS,

(c) PRESCRIBING, FOR THE PURPOSES OF SECTION 3, THOSE SERVICES FOR WHICH DEVELOPMENT CHARGES SHALL NOT BE IMPOSED;

The matter of which services shall be subject to development charges was one of the major issues discussed by the working group of AMO and development industry representatives. It was the understanding of AMO that the issue had been finalized in favour of permitting municipalities to recover up to 100% of growth related capital costs both hard and soft.

This was clearly expressed in the Green Paper proposals of the Ministry of Treasury and Economics.

> "Municipalities would be permitted to recover up to 100 per cent of the growth related capital costs of all services (both hard, e.g. sewers, and soft, e.g. arenas)" (pg.4)

The Provincial Budget made the same statement. (pg. 79)

Allowing for the regulations to prescribe services for which development charges shall not be imposed is contrary to the Provincial Government's previous statement.

Exactly which services shall or shall not be subject to development charges is a fundamental matter for this Bill. Leaving this issue to be determined under the regulations is completely inappropriate.

RECOMMENDATION #16

That clause 19 (c) be deleted from the Bill.

19. REGULATIONS

REGULATIONS

(19) THE LIEUTENANT GOVERNOR IN COUNCIL MAY MAKE REGULATIONS,

(D) PRESCRIBING FOR THE PURPOSES OF CLAUSE 3 (4) (A), AN INDEX OR INDICES THAT MAY BE USED;

DRAFT REGULATIONS

MUNICIPAL CHARGES

8. A MUNICIPALITY MAY PROVIDE IN A DEVELOPMENT CHARGE BY-LAW THAT DEVELOPMENT CHARGES MAY BE ADJUSTED ONE OR TWO TIMES ANNUALLY IN ACCORDANCE WITH,

(A) THE SOUTHAM CONSTRUCTION COST INDEX;

(B) THE ENGINEERING NEWS RECORD INDEX;

(C) STATISTICS CANADA QUARTERLY, CONSTRUCTION PRICE STATISTICS, CATALOGUE NUMBER 62-007; OR

(D) SUCH OTHER PRICE INDEX AS THE MUNICIPALITY CONSIDERS APPROPRIATE.

AMO is strongly supportive of section 8 of the Draft Regulations which provides necessary flexibility for municipalities in selecting indices upon which to adjust development charges.

PART II

FRONT-END PAYMENTS

FRONT-END PAYMENT

(1) A MUNICIPALITY THAT HAS IN EFFECT A DEVELOPMENT CHARGE BY-LAW MAY ENTER INTO A FRONT-ENDING AGREEMENT OR AGREEMENTS WITH ANY OR ALL OWNERS WITHIN A BENEFITTING AREA PROVIDING FOR THE PAYMENT BY THE OWNERS OF A FRONT-END PAYMENT.

AGREEMENT

(2) AN AGREEMENT ENTERED INTO UNDER SUBSECTION (1) SHALL CONTAIN,

(E) THE AGREEMENT OF THE MUNICIPALITY TO IMMEDIATELY REIMBURSE THE OWNERS IF THE ACTUAL COST OF INSTALLING THE SERVICES IS LOWER THAN THE ESTIMATED COST IN ACCORDANCE WITH THE PROPORTIONS DETERMINED UNDER CLAUSE (C);

(II) SUBJECT TO CLAUSE (G), THE AGREEMENT OF THE MUNICIPALITY TO REQUIRE EACH OWNER IN THE BENEFITTING AREA, OTHER THAN AN OWNER WHO IS PARTY TO THE AGREEMENT, TO PAY THE OWNER'S PORTION OF THE FRONT-END PAYMENT.

25. CONDITIONS OF AGREEMENT

CONDITIONS OF AGREEMENT

A MUNICIPALITY THAT HAS ENTERED INTO A FRONT-ENDING AGREEMENT,

(A) SHALL REQUIRE AN OWNER WITHIN A BENEFITTING AREA, OTHER THAN A PARTY TO THE AGREEMENT, TO PAY THE OWNER'S PORTION OF THE FRONT-END PAYMENT AS A CONDITION OF APPROVAL OF ANY DEVELOPMENT ON THAT PORTION OF THE OWNER'S LAND LOCATED WITHIN THE BENEFITTING AREA; AND

(B) MAY REQUIRE ALL OWNERS IN A BENEFITTING AREA, INCLUDING OWNERS WHO ARE PARTIES TO THE AGREEMENT, TO PAY THE REASONABLE COSTS TO THE MUNICIPALITY OF ADMINISTERING THE AGREEMENT, INCLUDING THE COST TO THE MUNICIPALITY OF CONSULTANTS AND OF STUDIES REQUIRED IN PREPARATION OF THE AGREEMENT.

Clause 20(2)(e) requires municipalities to make immediate reimbursements of front end overpayments. The Association's concern here is the same as for subsections 5(3) and (5), immediate payments are unrealistic and thirty days is a more reasonable time frame.

It is common practise for front-end payments to be secured by an irrevocable letter of credit given from the developer to the municipality. Subsection 20(3) which describes methods of front-end payment does not speak to the matter of security or the use of letters of credit at all. In order to be certain that municipalities can require security for front-end payments the section should be amended to specifically make such allowance.

Clause 20(2)(h) and section 25 require municipalities to collect front-end payments from subsequent developers. There are no sections that clarify what the authority of the Municipal Board would be if a developer appealed to the Board for reimbursement from a municipality that had been unable to collect sufficient funds from subsequent developers.

Municipalities should not have to provide assurance to developers of full reimbursement for front end financing. Municipal liability should be clearly limited to lot levies generated from future developers. Any shortfalls in the reimbursement is beyond the control of the municipality.

Municipal liability for collection of front-end payments should also be subject to a time limit. Municipal capital planning is based on a ten year time frame. The Provincial Governments "Land use Planning for Housing" policy statement requires municipalities to plan for services for a ten year supply of residential land. It would be consistent and reasonable to limit the municipal obligation to collect front-end payment to ten years.

The OMB should not have the authority to compel municipalities to provide reimbursement to front-end developers from general revenues. The Board's authority should be limited to only requiring municipalities to reimburse front-end developers from lot levies collected for that specific purpose from subsequent developers. The OMB should have limited authority to reduce lot levy payment from subsequent developers since the initial front end developers will not be fully reimbursed.

RECOMMENDATION #17

(a) That clause 20 (2) (e) be amended to allow municipalities thirty days to make reimbursements of front-end overpayments.

(b) That subsection 20 (3) be amended to allow for front-end payments to be secured by irrevocable letters of credit or such other security as agreed between the parties.

(cont.)

RECOMMENDATION #17 ***(cont.)***

(c) That clause 20 (2) (h) and section 25 be amended to only require municipalities to make best efforts to collect front-end payments from subsequent developers through the collection of development charges.

(d) That PART II be amended by adding sections establishing the authority of the Municipal Board to require municipalities to reimburse front-end developers only from development charges collected from subsequent developers for that specific purpose. These sections should also limit the authority of the Municipal Board in such a manner that the Board cannot order the reduction of a development charge to a subsequent developer below that amount necessary to reimburse the front-end developer.

(e) That Part II be further amended to clearly indicate that the obligation of municipalities to attempt to collect front-end payments from subsequent developers shall be limited to a period of ten years from the date of the front-end agreement.

PART III

EDUCATION DEVELOPMENT CHARGES

The Association's objection in principle to education development charges is expressed in the introduction to this report .

28. In this Part,

DEFINITIONS "EDUCATION CAPITAL COST" MEANS COSTS INCURRED OR PROPOSED TO BE INCURRED BY A BOARD,

A) TO ACQUIRE SCHOOL FACILITIES,

B) TO CONSTRUCT, EXPAND, ALTER OR IMPROVE SCHOOL FACILITIES, AND

C) TO UNDERTAKE STUDIES IN CONNECTION WITH ANY OF THE MATTERS IN CLAUSE A) OR B),

The term "school facilities" used in the definition of education capital cost is not defined within the Bill so it is not clear what types of costs will be included. AMO is concerned about the fairness and consistency of the Bill. If, for example, library books and computers were to be considered as within the meaning of the term "school facilities" then library books and computers should also be considered to be capital costs for municipalities. Books and computers are the same type of important capital expense for public libraries and municipalities as they are for school boards.

RECOMMENDATION #18

That the term "school facilities" be clearly defined in section 28. Further that such definition be consistent with the definition of capital cost as outlined in Recommendation #1.

29. Education development charge by-law

Education development charge by-law

(1) A board may pass by-laws for the imposition of an education development charge against land in the area of jurisdiction of the board, in respect of residential development or residential and commercial development, if there is residential development in the area of jurisdiction of the board that would increase education capital costs and the residential or commercial development requires, . . .

Subsection 29(1) allows school boards to pass by-laws imposing education development charges against land if there is residential development in the area of jurisdiction of the board that would increase capital costs. The subsequent clauses indicate what type of development activity will be subject to such charges. The Association wishes to note that this section is in effect a general revenue source section since there is no requirement that the actual development of the land to be charged must increase educational capital costs. This section allows school boards to charge all land development in its area even if that development has no impact on educational capital costs. The education development charges are not a matter of growth paying for that growth and are therefore inherently different from municipal development charges. It is not clear what the principle behind education development charges is or why commercial development should be subject to education development charges at all.

This interpretation is supported by clause 41(g) which allows the regulations to require the sharing of proceeds where one or more boards establish a charge in respect of the same area. This pooling of education development charge revenues means that money raised by one board from charges on one development can be spent by another board for construction in a totally separate and unrelated development. This clearly shows that education development charges are not necessarily related to any education expenses for the developments upon which they are imposed.

The clauses (a) through (f) are an incomplete list and the list should be extended by adding the lifting of part lot control, Niagara Escarpment applications and Parkway belt applications.

RECOMMENDATION #19

That subsection 29 (1) be amended by deleting the words commercial development. Subsection 29 (1) should be further amended by adding the following clauses:

(g) lifting of part lot control under section 49 of the Planning Act, 1983;
(h) Niagara Escarpment Commission applications; (Niagara Escarpment Planning Development Act, R.S.O. 1980 c.316 ss 24, 25, 26)

(i) Parkway Belt application (Parkway Belt Planning and Development Act. R.S.O. 1980 c.368).

30. PUBLIC MEETING

PUBLIC MEETING

(1) BEFORE PASSING AN EDUCATION DEVELOPMENT CHARGE BY-LAW, EXCEPT A BY-LAW PASSED PURSUANT TO AN ORDER OF THE MUNICIPAL BOARD MADE UNDER CLAUSE (11)(B), THE BOARD,

(A) SHALL HOLD AT LEAST ONE PUBLIC MEETING;

(B) SHALL GIVE NOTICE OF THE MEETING IN THE MANNER AND TO THE PERSONS AND ORGANIZATIONS PRESCRIBED; AND

(C) SHALL ENSURE THAT SUFFICIENT INFORMATION IS MADE AVAILABLE TO ENABLE THE PUBLIC TO UNDERSTAND GENERALLY THE EDUCATION DEVELOPMENT CHARGE PROPOSAL.

Subsection 30(1) requires boards to hold public meetings before passing an education development charge by-law. The organizations to whom notice shall be given are to be prescribed in the regulations. Since municipalities will have significant interest and responsibilities for collecting these charges they should be one of the organizations to which written notice is given.

The remainder of section 30 is very similar to section 4 under PART I and the reasons for recommendations #17(b) and (c) listed below are the same as for recommendations #6 and #7 and will not be repeated here.

RECOMMENDATION #20

(a) That section 30 be amended so that it requires that any municipality that is to be effected by the passing of an education development charge by-law be given written notice of the public meeting in the manner to be prescribed.

(b) That subsection 30 (10) be amended to require notice to be given to the school board and give school boards the opportunity to make representations to the Municipal Board.

(c) That clause 30 (12) (a) be deleted.

31. WHEN BY-LAW EFFECTIVE

WHEN BY-LAW EFFECTIVE (1) AN EDUCATION DEVELOPMENT CHARGE BY-LAW COMES INTO FORCE ON THE FIFTH DAY FOLLOWING THE DAY IT IS PASSED OR THE DAY SPECIFIED IN THE BY-LAW, WHICHEVER IS LATER.

REFUNDS (3) WHEN A BY-LAW IS REPEALED IN WHOLE OR IN PART UNDER SUBSECTION 30(11), THE TREASURER OF THE EDUCATION DEVELOPMENT CHARGES ACCOUNT SHALL IMMEDIATELY REFUND ALL EDUCATION DEVELOPMENT CHARGES PAID PURSUANT TO THAT PART OF THE BY-LAW THAT IS REPEALED.

REFUNDS (5) IF A BY-LAW IS AMENDED IN WHOLE OR IN PART UNDER SUBSECTION 30(11), THE TREASURER OF THE EDUCATION DEVELOPMENT CHARGES ACCOUNT SHALL IMMEDIATELY REFUND THE DIFFERENCE BETWEEN THE EDUCATION DEVELOPMENT CHARGE PAID PURSUANT TO THAT PORTION OF THE BY-LAW THAT IS AMENDED AND THE EDUCATION DEVELOPMENT CHARGE REQUIRED TO BE PAID PURSUANT TO THE AMENDMENT.

DIRECT REFUND (7) A REFUND UNDER THIS SECTION SHALL BE PAID TO THE OWNER AND THE TREASURER OF THE EDUCATION DEVELOPMENT CHARGES ACCOUNT SHALL INFORM THE MUNICIPAL TREASURER OF THE AMOUNT OF THE REFUND.

The equivalent subsection to 31(1) under PART 1 is 5(1), however that subsection does not allow municipal development charge by-laws to come into force on any day other than the day it was passed. There is no apparent rationale for the difference between 5(1) and 30 (1). The subsections should be the same in order to avoid confusion.

Subsections 31(3), (5) are the same as subsections 5(3), (5) and the reasons for recommendation 18(b) below are the same as for recommendation #8(b) and need not be repeated here.

RECOMMENDATION #21

(a) That subsection 31 (1) be amended to allow development charge by-laws to come into force on a date set out in the by-law. The subsection should read as follows, "An education development charge by-law comes into force on the day it was passed unless otherwise specified in the by-law."

(b) That subsections 31 (3) and (5) be amended to allow 30 days for payment of refunds pursuant to Municipal Board orders repealing or amending education development charge by-laws.

34. CHARGES

CHARGES (1) AN EDUCATION DEVELOPMENT CHARGE IMPOSED BY A BOARD WITH RESPECT TO A RESIDENTIAL DEVELOPMENT IS THE AMOUNT PAYABLE BY THE OWNER TO THE TREASURER OF THE MUNICIPALITY UNDER THE EDUCATION DEVELOPMENT CHARGE BY-LAW.

IDEM, COMMERCIAL DEVELOPMENT (2) AN EDUCATION DEVELOPMENT CHARGE IMPOSED BY A BOARD WITH RESPECT TO A COMMERCIAL DEVELOPMENT IS,

(A) THE AMOUNT OBTAINED BY APPLYING THE PRESCRIBED PER CENT, OR A PER CENT DETERMINED BY A BOARD THAT IS WITHIN A PRESCRIBED RANGE OF PER CENTS, TO THE DECLARED VALUE OF THE BUILDING PERMIT; OR

(B) THE AMOUNT ON AN AREA, UNIT OR DENSITY BASIS CALCULATED IN THE MANNER PRESCRIBED.

CHARGE TO BE PAID BEFORE BUILDING PERMIT ISSUED

(3) A BUILDING PERMIT SHALL NOT BE ISSUED IN RESPECT OF THE ERECTION OF A BUILDING OR STRUCTURE ON LAND TO WHICH AN EDUCATION DEVELOPMENT CHARGE BY-LAW APPLIES UNLESS THE DEVELOPMENT CHARGE HAS BEEN PAID.

Subsection 34(2) clearly expresses the arbitrariness of subjecting commercial development to education lot levies. There is no expression of "user pay" or growth paying for the costs of growth. Commercial development should not be subject to education development charges and therefore this subsection should be deleted.

Subsection 34(3) has a typographical error in the second last line. It indicates that a building permit shall not be issued unless a development charge has been paid. "development charge" is a defined term that refers only to charges under section 3 and not education development charges, however the intent must have been to refer to education development charges.

RECOMMENDATION #22

(a) That subsection 34 (2) be deleted;

(b) That subsection 34 (3) be amended by adding the word "education" in front of the word development in the second last line. The subsection will then read "... to which an education development charge by-law applies unless the education development charge has been paid."

35. COMPLAINTS

COMPLAINTS

(1) AN OWNER OR BOARD MAY COMPLAIN IN WRITING TO THE COUNCIL OF THE MUNICIPALITY IN WHICH THE LAND IS SITUATE OR AN OWNER MAY COMPLAIN TO THE BOARD IN RESPECT OF TERRITORY WITHOUT MUNICIPAL ORGANIZATION THAT,

(A) THE CALCULATION OF THE EDUCATION DEVELOPMENT CHARGE IMPOSED WAS BASED ON AN INCORRECT NUMBER OF UNITS;

(B) THERE WAS AN ERROR IN THE APPLICATION OF THE EDUCATION DEVELOPMENT CHARGE BY-LAW; OR

(c) THE AMOUNT CREDITED TO AN OWNER UNDER SUBSECTION 34(4) IS INCORRECT.

PROCEDURES ADOPTED (2) SUBSECTIONS 8(2) TO (13) APPLY WITH NECESSARY MODIFICATIONS TO A COMPLAINT UNDER SUBSECTION (1).

REFUNDS (3) IF A FINAL DETERMINATION OF A COMPLAINT HAS BEEN MADE AND A REFUND IS DUE TO THE OWNER, THE TREASURER OF THE EDUCATION DEVELOPMENT CHARGES ACCOUNT SHALL PAY THE AMOUNT OF THE REFUND TO THE TREASURER OF THE MUNICIPALITY WHO SHALL REIMBURSE THE OWNER.

IDEM (4) IF A FINAL DETERMINATION OF A COMPLAINT HAS BEEN MADE AND A REFUND IS DUE TO THE SCHOOL BOARD, THE TREASURER OF THE MUNICIPALITY SHALL PAY THE AMOUNT OF THE REFUND TO THE TREASURER OF THE EDUCATION DEVELOPMENT CHARGES ACCOUNT.

For matters of mere calculation errors the formal hearing procedures established by subsection (2), which refers to subsections 8(2) through (13), are unnecessary. The section should simply require boards to make provisions for the boards to hear complaints pursuant to this section as per recommendation #10 with necessary modifications.

Subsection 35(4) indicates that if a refund is due to a school board then the municipality is responsible for making the payment to the school board. School boards should have the responsibility for determining what an education development charge should be, the municipality should merely be the agent. If this is the case then if a landowner is found to owe a payment to the school board, the board should request the payment from the landowner and not from the municipality since the municipality does not owe the money.

RECOMMENDATION #23

(a) That section 35 (1) be amended by eliminating the reference to municipalities and by clearly stating that owners may submit complaints to school boards.

(b) That section 35 be further amended by adding a subsection that clearly indicates that the school board shall be responsible for calculating the education development charge and shall notify the municipality of that charge.

(c) That subsection 35 (4) be deleted.

36. Distribution of by-law

Special Account (2) An education development charges account shall be established on or before the fifth day following the enactment of a by-law under subsection 29(1).

Territory without municipal organization (3) Where the area of jurisdiction of a board includes territory without municipal organization, all or part of which is made subject to an education development charge, the board shall exercise the powers and duties of a municipal council for such territory in respect of collecting the charge and the officers of the board have the same powers and duties as similar officers in a municipality.

Collection of Charge (4) Where an education development charge is imposed by a board, the treasurer of the municipality or board, as the case requires, shall collect the charge imposed when due and, on or before the 25th day of the month next following the month in which the charge is collected, shall deposit the amount of the charge in the education development charges account established in respect of the by-law under which the charge is imposed.

Statement (5) On or before the fifth day of the month following a month in which a deposit is made under subsection (4), the treasurer of the municipality shall forward to the treasurer of the board or the treasurer of the board shall prepare a statement setting out the prescribed information in respect of the period that began on the 26th day of the month before the preceding month and that ended on the 25th day of the preceding month.

Idem (6) If two or more boards have imposed an education development charge by-law upon an area, the statement mentioned in subsection (5) shall be prepared in respect of the money collected and forwarded to the treasurer of each board that passed a by-law under which the money was collected.

Section 36 does not clearly establish the responsibility for the collection of education development charges. Reference is not made to municipal responsibility for collection until subsection 36(4) and there it simply states that "the treasurer of the municipality or board, as the case requires, shall collect the charge imposed when due".

Subsection 36(2) does not clearly establish that it is the responsibility of the school board to establish an education development charges account. The responsibility of the school board to establish this account is implicit in subsections 35(3) and (4) where the treasurer of the municipality is clearly a different person from the treasurer of the development charges account.

The responsibility of the school board to establish and administer the education development charges account is also implicit in subsection 36(4). The deposit to the account is not required until the 25th day of the month after it is collected and since municipalities are not allowed to charge school boards for their collection services it is our understanding that the compensation comes in the form of the interest earned between the time of collection and the time of deposit to the education charges account. In cases where there is no municipal organization and the school board collects the charge then the deposit to the education development charges account would be made without delay.

Subsection 36(6) implies that coterminus school boards pool funds from development charges in the same account. This interpretation is supported by clause 41(g) which allows the regulations to require coterminus boards to share proceeds that were collected from the same area. However it is not clear which school board shall be responsible for administering the joint account.

RECOMMENDATION #24

That section 36 be amended to clearly establish the following:

i. that school boards are responsible for establishing and administering the education development charges account;

ii. that the responsibility for the collection of education development charges in areas where there are municipal organizations be clearly designated.

PART IV

GENERAL

42. EXISTING DEVELOPMENT CHARGES BY-LAWS

EXISTING DEVELOPMENT CHARGES BY-LAWS

(1) A BY-LAW PROVIDING FOR THE PAYMENT OF CHARGES RELATED TO DEVELOPMENT THAT IS IN EFFECT ON THE DATE OF THE COMING INTO FORCE OF THIS ACT SHALL REMAIN IN EFFECT UNTIL THE EARLIER OF,

(A) THE REPEAL OF THE BY-LAW;

(B) THE COMING INTO FORCE OF A BY-LAW UNDER SECTION 3;

(C) WHERE THE MAXIMUM DEVELOPMENT CHARGE PAYABLE UNDER AN EXISTING BY-LAW ON A DWELLING UNIT IS MORE THAN $3,000, ONE YEAR AFTER THE DATE OF THE COMING INTO FORCE OF THIS ACT; OR

(D) WHERE THE MAXIMUM DEVELOPMENT CHARGE PAYABLE UNDER AN EXISTING BY-LAW ON A DWELLING UNIT IS $3,000 OR LESS, TWO YEARS AFTER THE DATE OF THE COMING INTO FORCE OF THIS ACT.

NO AMENDMENTS PERMITTED

(2) A BY-LAW REFERRED TO IN SUBSECTION (1) SHALL NOT BE AMENDED DURING THE PERIOD IT REMAINS IN EFFECT.

It is not uncommon for municipalities to base their existing development charges on council resolutions without the formality of a by-law. Section 42 is unclear as to the status of these development charges after the Bill comes into effect. The Bill is silent on these charges not only for the interim periods outlined in section 42 but the Bill does not say anywhere that after the interim periods have passed development charges shall not be imposed without a by-law passed pursuant to the Bill.

Subsections 42(c) and (d) give time limits on interim periods for existing development charge by-laws for residential property only. These subsections are silent on interim periods for existing development charges for commercial and industrial development. Further, there is no apparent rationale for the difference in the length of the interim period being based on the monetary value of the charge.

RECOMMENDATION #25

That section 42 be deleted and replaced with the following:

42. (1) A by-law or council resolution providing for the payment of charges related to development that is in effect on the date of the coming into force of the Act shall remain in effect until the earlier of,

(a) the repeal of the by-law or resolution;

(b) the coming into force of a by-law under section 3:

(c) two years after the date of the coming into force of this Act.

(2) A by-law or council resolution referred to in subsection (1) shall not be amended during the period it remains in effect, an indexing adjustment shall not be considered an amendment for purposes of this section.

(3) After the coming into force of this Act no municipality shall impose new charges related to development unless such charge is created in compliance with this Act.

43. CERTAIN AGREEMENTS UNDER 1983, c. 1

CERTAIN AGREEMENTS UNDER 1983, c. 1

(1) A MUNICIPALITY SHALL NOT ENTER INTO AN AGREEMENT UNDER SECTION 50 OR 52 OF THE *PLANNING ACT, 1983* THAT IMPOSES A CHARGE RELATED TO DEVELOPMENT AFTER THE COMING INTO FORCE OF THE ACT.

IDEM

(2) AN AGREEMENT WITH RESPECT TO CHARGES RELATED TO DEVELOPMENT MADE UNDER SECTION 50 OR 52 OF THE *PLANNING ACT, 1983* THAT IS IN EFFECT ON THE DAY THIS ACT COMES INTO FORCE REMAINS IN EFFECT.

The Bill is unclear as to how development charges will be imposed after the legislation comes into force and until a new development charge by-law is passed. Municipalities should be allowed to continue to enter into agreements that impose development charges until the passing of a new development charge by-law pursuant to the Act or until the specified time period expires.

RECOMMENDATION #26

That subsection 43 (1) be amended to read as follows:

"(1) Notwithstanding section 42, a municipality shall not enter into an agreement under section 50 or 52 of the Planning Act, 1983 that imposes a charge related to development after the earlier of,

(a) the coming into force of a by-law under section 3;

(b) two years after the date of the coming into force of this Act." [emphasis added]

TABLE OF RECOMMENDATIONS

RECOMMENDATION #1

That the definition of capital cost be deleted and replaced with the following definition.

> "capital cost" means cost incurred or proposed to be incurred by a municipality,
>
> (a) to acquire, construct or improve land, buildings, fixtures, engineering structures, machinery and equipment; and
>
> (b) to undertake studies in connection with any of the matters in clause (a),
>
> required for the provision of services, including interest on borrowing for that part of expenditures made under clause (a) that is growth-related, but does not include costs incurred or proposed to be incurred to acquire, supplies, inventory or similar items:
>
> (c) but may include municipal contributions to hospital funds.

RECOMMENDATION #2

That the definition of "front-end payment" be amended to read as follows; "front-end payment" means a payment made by an owner pursuant to a front-ending agreement and may be in addition to a development charge that such owner is required to pay pursuant to a development charge by-law.

RECOMMENDATION #3

That the definition of "net capital cost" be amended by adding the words "including an allowance for contingencies" after the words "capital cost" in the first line of the definition. The definition will then read as follows: "net capital cost" means the capital cost, including an allowance for contingencies.

RECOMMENDATION #4

(a) That the introductory clause to subsection 3 (1) be amended to clearly indicate

that development charge by-laws need not be site specific but may be general.

(b) That subsection 3 (1) be further amended by adding the following paragraphs:

(g) lifting of part lot control under section 49 of the Planning Act, 1983; or

(h) Niagara Escarpment Commission Application (Niagara Escarpment Planning and Development Act, R.S.O.1980 c.316ss. 24, 25, 26).

(i) Parkway Belt application (Parkway Belt Planning and Development Act. R.S.O. 1980 c. 368)

RECOMMENDATION #5

That clause 3(2)(b) be deleted.

RECOMMENDATION #6

That subsection 4(1) be amended by adding the words "or a committee appointed by council" after the word council in the third line. The opening clause should read as follows, "Before passing a development charge by-law, except a by-law passed pursuant to an order of the Municipal Board made under clause 11(b), the council, or a committee appointed by the council,"

RECOMMENDATION #7

That subsection 4(10) be amended to require notice to be given to the municipality and to give municipalities the opportunity to make representations before the Board. The subsection should read as follows: "(10) The Municipal Board may, where it is of the opinion that the objection to the by-law set out in the notice of appeal is insufficient, dismiss the appeal without holding a full hearing but before dismissing the appeal shall notify the appellant and the municipality and give the appellant and the municipality an opportunity to make representations as to the merits of the appeal". [emphasis added]

RECOMMENDATION #8

a) That paragraph 4 (12) (a) be deleted.

b) That section 4 be further amended to clearly indicate that the Municipal Board is permitted to award costs of hearings against the appellant if the by-law is upheld by the Board.

RECOMMENDATION #9

(a) That subsection 5 (1) be amended to allow development charge by-laws to come into force on a date set out in the by-law. The subsection should read as follows, "A development charge by-law comes into force on the day it ws passed unless otherwise specified in the by-law." [emphasis added]

(b) That subsections 5(3) and (5) be amended to require municipalities to pay refunds within thirty days of Municipal Board orders repealing or amending development charge by-laws.

(c) That section 5 be amended to indicate that where the Board has increased a development charge by-law, municipalities shall be entitled to collect relevant back payments from the owners.

(d) That subsection 5(7) be amended to indicate that it applies only to orders made by the Municipal Board pursuant to subsection 4 (11). The subsection should read as follows, "A municipality shall give notice of the particulars of a development charge by-law that is in force pursuant to an order of the Municipal Board under subsection 4(11) in the manner and to the persons prescribed. [emphasis added]

RECOMMENDATION #10

a) That subsection 8(3) be amended be deleting the word "hearing" and substituting the words "opportunity to make representations." and deleting the word "hearing" from the sidenote.

b) That subsection 8(4) be amended by deleting the words "evidence and submissions" and substituting the word "representations."

RECOMMENDATION #11

a) That subsections 9(3) and (5) be deleted.

b) That section 12 be deleted.

RECOMMENDATION #12

That subsection 13 (3) be deleted.

RECOMMENDATION #13

That subsection 16(1) be amended to read as follows:

16.(1) Payments received by a municipality under this Part shall be maintained in a separate reserve fund or funds and shall be used only to meet growth related net capital costs.

RECOMMENDATION #14

That section 17 be amended by substituting the number 16 for the number 15 in the last line of that section.

RECOMMENDATION #15

(a) That the regulations prescribe that the interest on overpayment refunds shall be calculated as 3% below the prime rates for the time from when the overpayment was collected to the time that the refund is paid.

(b) That section 18 be amended to clearly indicate that overpayment refunds shall be paid to the current owner of the land, which may be the homeowner, at the time the order of the Municipal Board is made.

RECOMMENDATION #16

That clause 19 (c) be deleted from the Bill.

RECOMMENDATION #17

(a) That clause 20 (2) (e) be amended to allow municipalities thirty days to make reimbursements of front-end overpayments.

(b) That subsection 20 (3) be amended to allow for front-end payments to be secured by irrevocable leter of credit or such other security as agreed between the parties.

(c) That clause 20 (2) (h) and section 25 be amended to only require municipalities to make best efforts to collect front-end payments from subsequent developers through the collection of development charges.

(d) That PART II be amended by adding sections establishing the authority of the Municipal Board to require municipalities to reimburse front-end developers only from development charges collected from subsequent developers for that specific purpose. These sections should also limit the authority of the Municipal Board in such a manner that the Board cannot order the reduction of a development charge to a subsequent developer below that amount necessary to reimburse the front-end developer.

(e) That Part II be further amended to clearly indicate that the obligation of municipalites to attempt to collect front-end payments from subsequent developers shall be limited to a period of ten years from the date of the front-end agreement.

RECOMMENDATION #18

That the term "school facilities" be clearly defined in section 28. Further that such definition be consistent with the definition of capital cost as outlined in Recommendation #1.

RECOMMENDATION #19

That subsection 29 (1) be amended by deleting the words commercial development. Subsection 29 (1) should be further amended by adding the following clauses:

(g) lifting of part lot control under section 49 of the Planning Act, 1983;
(h) Niagara Excarpment Commission applications; (Niagara Escarpment Planning Development Act, R.S.O.1980 c.316 ss 24, 25, 26)

(i) Parkway Belt application (Parkway Belt Planning and Development Act. R.S.O. 1980 c.368).

RECOMMENDATION #20

(a) That section 30 be amended so that it requires that any municipality that is to be effected by the passing of an education development charge by-law be given written notice of the public meeting in the manner to be prescribed.

(b) That subsection 30 (10) be amended to require notice to be given to the school board and give school boards the opportunity to make representations to the Municipal Board.

(c) That clause 30 (12) 9(a) be deleted.

RECOMMENDATION #21

(a) That subsection 31 (1) be amended to allow development charge by-laws to come into force on a date set out in the by-law. The subsection should read as follows, "An education development charge by-law comes into force on the day it was passed unless otherwise specified in the by-law."

(b) That subsections 31 (3) and (5) be amended to allow 30 days for payment of refunds pursuant to Municipal Board orders repealing or amending education development charge by-laws.

RECOMMENDATION #22

(a) That subsection 34 (2) be deleted;

(b) That subsection 34 (3) be amended by adding the word "education" in front of the word development in the second last line. The subsection will then read "... to which an education development charge by-law applies unless the education development charge has been paid."

RECOMMENDATION #23

(a) That section 35 (1) be amended by eliminating the reference to municipalities and by clearly stating that owners may submit complaints to school boards.

(b) That section 35 be further amended by adding a subsection that clearly indicates that the school board shall be responsible for calculating the education development charge and shall notify the municipality of that charge.

(c) That subsection 35 (4) be deleted.

RECOMMENDATION #24

That section 36 be amended to clearly establish the following:

i. that school boards are responsible for establishing and administering the education development charges account;

ii. that the responsibility for the collection of education development charges in areas where there are municipal organizations be clearly designated.

RECOMMENDATION #25

That section 42 be deleted and replaced with the following:

42. (1) A by-law or council resolution providing for the payment of charges related to development that is in effect on the date of the coming into force of the Act shall remain in effect until the earlier of,

(a) the repeal of the by-law or resolution;

(b) the coming into force of a by-law under section 3:

(c) two years after the date of the coming into force of this Act.

(2) A by-law or council resolution referred to in subsection (1) shall not be amended during the period it remains in effect, an indexing adjustment shall not be considered an amendment for purposes of this section.

(3) After the coming into force of this Act no municipality shall impose new charges related to development unless such charge is created in compliance with this Act.

RECOMMENDATION #26

That subsection 43 (1) be amended to read as follows:

"(1) Nothwithstanding section 42, a municipality shall not enter into an agreement under section 50 or 52 of the Planning Act, 1983 that imposes a charge related to development after the <u>earlier of</u>,

(a) the coming into force of a by-law under section 3;

(b) two years after the date of the coming into force of this Act." [emphasis added]

ACKNOWLEDGEMENTS

The Association would like to express its appreciation to the sub-committee members who volunteered their time to assist the committees of AMO and Association staff in developing this review to the Ministry of Municipal Affair's Bill 20 - the Development Charges Act.

Ms. Doris Brick, Councillor, County of Peterborough

Mr. Grant Hopcroft, Alderman, City of London

Mr. Jack Gartley, Commissioner of Finance, Regional Municipality of Durham

Mr. Rob Rooks, Director of Finance and Treasurer, City of Burlington

Mr. Joe Rinaldo, Commissioner of Finance and Treasurer, Regional Municipality of Halton

AMO STAFF

Philip Ferguson, Policy Analyst, AMO

PUBLICATIONS ISSUED IN THE "AMO REPORT" SERIES

87-1	A Proposed Model of Collective Bargaining and Required Amendments for the Fire Departments Act
87-2	Response to the Final Report of the Advisory Committee to the Minister of Municipal Affairs on Municipal Liability Insurance in Ontario
87-3	Response to the 1986 Draft on Flood Plain Planning Policy Statement
87-4	Response to the Rental Housing Protection Act
87-5	The Future of Social Assistance in Ontario - Report to the Social Assistance Review Committee
87-6	AMO Submission to Provincial Premier and Executive Council of Ontario
87-7	Recommendations on the Pay Equity Act
87-8	AMO Discussion Paper on Lot Levies and Front-End Financing
87-9	A Proposed Model of Collective Bargaining and Required Amendments for the Police Act
87-10	Response to Bill 106 - An Act to Amend the Occupational Health and Safety Act
87-11	Unconditional Grants Proposal for 1988
87-12	The Licensing of Businesses by Municipalities
88-1	Education Funding in Ontario
88-2	Preliminary Response to New Directions for Child Care
88-3	1988 Provincial Budget Submission
88-4	AMO Submission to Provincial Cabinet
88-5	AMO Response to the Report of the Advisory Committee on County Government: "Patterns for the Future"
88-6	Pressures on the Partnership: Response to the Provincial-Municipal Social Services Review Discussion Paper
88-7	AMO's Unconditional Grants Proposal for 1989
88-8	AMO's Response to "Rental Housing Protection Act: Future Directions"
88-9	Municipal Authority to Regulate Occupancy on the Basis of Relationship
88-10	AMO Response to Bill 170 - Aggregates Resources Act
88-11	AMO Position on "Controlling Industrial Discharges to Sewers"
88-12	AMO Response to "A Review of the Conservation Authorities Program"
88-13	AMO Response to Bill 174, The Intervenor Funding Project
89-1	AMO Brief to the Province of Ontario: 1989-90 Transfer Payment Announcement
89-2	AMO Response to "Financing Growth-related Capital Needs"
89-3	AMO Report on the Draft Housing Policy Statement
89-4	Property Tax: a Provincial Tax? AMO Presentation to the Standing Committee of Finance and Economic Affairs

89-5 "Salvaging the Partnership": 1989 AMO Provincial Submission to Cabinet
89-6 Response to "Transitions", The Report of the Social Assistance Review Committee
89-7 Review of Bill 20 - An Act to provide for the Payment of Development Charges
89-8 Response to "County Government in Ontario"
89-9 Response to Draft Wetlands Planning Policy Statement

- AMO Waste Management Study: The Waste Management Planning and Approvals Process ($15)

Copies of all the reports in this series are available at $10.00 each, except as noted for postage and handling, prepaid, from: Publications Centre, Association of Municipalities of Ontario, 100 University Avenue, Suite 805, Toronto, Ontario, M5J 1V6. Please make cheques payable to the Association of Municipalities of Ontario.